IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14464 of 1999

Between:

A Yedukondala Reddy, Vinayasramam
Cherukupalli Mandalam, Guntur District

..... PETITIONER

AND

1 A.P.S.R.T.C., Rep by its V.C. & M.D.
Musheerabad, Hyderabad

2 A.P.S.R.T.C. Rep by its Regional Manager
Guntur Region, Guntur District

3 A.P.S.R.T.C. Rep by its Depot Manager
Bapatla Depot, Guntur District

4 A.P.S.R.T.C., Rep by its Senior Medical Officer
A.P.S.R.T.C. Hospital, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ order or directions calling for the records relating to No. P1/469(3)/98 BPTL dt. 26/2/99 on the file of the 3rd respondent herein and quash the same with consequential direction to the 2nd respondent to reinstate the petitioner in service with other attendant benefits including back wages.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent No.: MR.R.MANMADHA REDDY (SC FOR A.P.S.R.T.C.)

The Court made the following :

ORDER

Heard Mr.P.Govindarajulu, learned counsel appearing on behalf of the petitioner and also Mr.R.Manmadha Reddy, learned Standing Counsel appearing on behalf of the respondent corporation.

The petitioner herein, who has been the driver of the respondent corporation seeks to assail the impugned order, dated 26-02-1999, by way of Writ of Certiorari under Article 226 of the Constitution of India. Under the impugned order, the petitioner's services were sought to be retired on medical grounds with regard to height in question.

Though several contentions have been urged on behalf of the petitioner, but under the medical manual, the requirement with regard to height is 156 cms. However, the fact remains that the petitioner has got right of appeal against the impugned order to the Appellate authority i.e., Divisional Manager.

In view of the availability of alternative remedy under the law, it is not open for this Court to go into all such disputes including the correctness of the opinion given by the Osmania Hospital which was sought to be relied on by the respondents.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to file an appeal within a period of four weeks from today, and on receipt of such, the same shall be disposed of by the Appellate authority on merits in accordance with law after giving notice to the petitioner and after considering the submissions made by him. No costs.

17-03-2005.

Hsd

Asst. Registrar

To

1 The V.C. & M.D. APSRTC
Musheerabad, Hyderabad

2 The Regional Manager, APSRTC
Guntur Region, Guntur District

3 The Depot Manager, APSRTC
Bapatla Depot, Guntur District

4 The Senior Medical Officer,
A.P.S.R.T.C. Hospital, Guntur District.

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